

MORRISON | FOERSTER

250 WEST 55TH STREET
NEW YORK, NY 10019-9601

TELEPHONE: 212.468.8000
FACSIMILE: 212.468.7900

WWW.MOFO.COM

MORRISON & FOERSTER LLP
BEIJING, BERLIN, BOSTON, BRUSSELS,
DENVER, HONG KONG, LONDON,
LOS ANGELES, NEW YORK, PALO ALTO,
SAN DIEGO, SAN FRANCISCO, SHANGHAI,
SINGAPORE, TOKYO, WASHINGTON, D.C.

March 14, 2022

The parties may coordinate with Judge Wang to schedule a settlement conference. As to the parties' request for stay of discovery, by March 21, 2022, the parties shall submit a joint letter providing the Court with more information as to what discovery has taken place so far. After the Court receives the parties' letter, the Court will assess whether stay of discovery is appropriate.


Writer's Direct Contact
+1 (212) 468.8203
JLevitt@mofo.com

By ECF and E-mail

Honorable John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

SO ORDERED.

Date: March 15, 2022
New York, New York


JOHN P. CRONAN
United States District Judge

Re: *Prospect Capital Corporation v. Silicon Valley Bank*; Case No. 1:21-cv-00314-JPC
Request for Referral to Magistrate Wang for Mediation and Stay of Discovery Deadlines

Dear Judge Cronan:

The parties jointly request that Your Honor refer this matter to Magistrate Judge Wang for mediation in the hopes of reaching a resolution and reducing the expenditure of the Court's and parties' time and resources. Though counsel would appear in-person, we request that Your Honor or Magistrate Judge Wang permit remote attendance for the party representatives.

In addition, to facilitate a potential resolution, the parties seek a stay of party discovery deadlines until after mediation concludes, if it is unsuccessful. Within a week of the conclusion of mediation, the parties will notify the Court of the outcome. If a settlement is not reached, the parties would submit with that notice an amended Case Management Plan for the Court's consideration. Under the current Case Management Plan (ECF. No. 38), the end of fact discovery is scheduled for April 4, 2022 and the end of expert discovery is scheduled for May 18, 2022.

Respectfully submitted,

<p><u>/s/ Abraham Shaw</u> Abraham Shaw, Esq. 10 East 10th Street, 45th Floor New York, NY 10016 ashaw@prospectstreet.com (646) 845-6061 <i>Counsel for Prospect Capital Corp.</i></p>	<p><u>/s/ Jamie A. Levitt</u> Jamie A. Levitt Morrison & Foerster LLP 250 West 55th Street New York, NY 10019 jlevitt@mofo.com (212) 468-8000 <i>Counsel for Silicon Valley Bank</i></p>
---	---